

REMARKS/ARGUMENTS

Applicants respond to the restriction requirement and election of species requirement of March 9, 2007.

Restriction Requirement

The Examiner restricts the claims to Group I (claims 1-17) drawn to a method of reducing toxicity of an orally administered therapeutic fused GABA analog, Group II (claims 18-38) drawn to an oral dosage form, and Group III (claims 39-53) drawn to a method of orally administering a fused GABA analog prodrug.

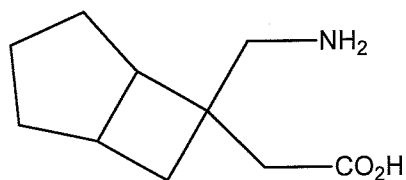
Applicants respectfully traverse the restriction requirement. The claims do not present a serious or additional search burden to the Examiner. Groups I, II, and III are all categorized in the same class and subclass, thus requiring the Examiner to search the exact same art. Moreover, searches of the method claims in Groups I and III would overlap substantially. Independent claim 1 (Group I) and independent claim 39 (Group III) share the first three method steps. The fourth method step of claim 39 differs from claim 1 by reciting "a swallowed dosage form." The fifth method step of claim 39 differs from the fifth step of claim 1 by additionally reciting "allowing the fused GABA analog to be cleaved from the promoiety" instead of "cleaving the promoiety from the prodrug." As such, the claims do not require a serious or additional search burden to the Examiner.

If in the event that the Examiner upholds the restriction requirement, Applicants hereby provisionally elect Group III claims 39-53 with traverse for further prosecution on the merits.

Election of Species

The Examiner further requires election of a single species for a) the fused GABA analog and b) the fused GABA analog prodrug. Applicants note that this an election of a species, not an election of a restricted group.

With respect to the election of a fused GABA analog, Applicants elect the species (6-aminomethyl-bicyclo[3.2.0]hept-6-yl)-acetic acid, which has the structure



(6-aminomethyl-bicyclo[3.2.0]hept-6-yl)-acetic acid is referenced in the Specification at, for example, page 28, line 20 – page 29 line 1.

With respect to the fused GABA analog prodrug, Applicants elect the fused GABA analog prodrug species of formula (VIII), in which r is 0, R^1 is hydrogen, R^4 is methyl, R^5 is hydrogen, and R^6 is isopropyl. The elected fused GABA analog prodrug is derived from (6-aminomethyl-bicyclo[3.2.0]hept-6-yl)-acetic acid, in which the promoiety is attached at the amine.

Conclusion

The present application is in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-544-7030.

Respectfully submitted,

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